

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4680

IN THE MATTER OF:

Served October 10, 1995

Application of YELLOW AIRPORT)
SHUTTLE, INC., for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-95-46

By application filed October 6, 1995, Yellow Airport Shuttle, Inc., a Maryland corporation, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant proposes commencing operations with two vans.

Applicant's proposed tariff, Exhibit D, contains per capita rates for transportation between Washington National Airport, Washington-Dulles International Airport and Baltimore-Washington International Airport (BWI), on the one hand, and points in Montgomery County, MD, and Frederick County, MD, on the other. The rates are categorized by zip code, such that a group of zip codes is assigned a range of rates, but in most instances it is not possible to discern the specific rate that corresponds to any single zip code area or point therein. A note to the tariff explains that the rate charged will be based on proximity of the zip code area or point therein to the airport of origin/destination.

Applicant's proposed tariff is not acceptable. Frederick County, MD, and BWI are outside the Commission's jurisdiction, and proposing a tariff which allows the carrier to select the applicable rate for a particular trip from a range of rates without stating the nondiscretionary rule the carrier will follow in making the selection does not meet the fixed-rate/fixed-fare requirement under Article XI, Section 14, of the Compact. Applicant will be directed to file an amended Exhibit D which omits any reference to Frederick County, MD, and BWI, and is stated on a fixed-rate/fixed-fare basis.

Applicant's balance sheet, Exhibit E, is dated 10/30/96. Exhibit E must be stated on a historical basis. Applicant will be directed to file an amended Exhibit E which states applicant's financial condition as of a date preceding the date it is filed.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than October 20, 1995, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than November 10, 1995, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than October 20, 1995, an original and four copies of an amended Exhibit D which omits any reference to Frederick County, MD, and BWI, and is stated on a fixed-rate/fixed-fare basis.

4. That applicant shall file with the Commission, no later than October 20, 1995, an original and four copies of an amended Exhibit E which states applicant's financial condition as of a date preceding the date it is filed.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is November 10, 1995, and that copies must be served on applicant's President, Ebrahim Rahnama, 12835 Locbury Circle, #G Germantown, MD 20874.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Acting Executive Director